

Dennis L. Smith  
P.O. Box 311  
Selbyville, Delaware 19975

June 27, 2008

FILE COPY

Office of the Clerk  
Ms. Marcia M. Waldron and Staff  
\*\* Ms. Chiquita Dyer and Staff  
United States Court of Appeals  
for the Third Circuit  
21400 United States Court House  
INDEPENDENCE MALL WEST  
601 Market Street  
Philadelphia, PA 19106 – 1790  
Express Mail No. EQ 800925949 US

Civil case No. 07 - 3999

JUL 01

Re: Response to Court of Appeals' deceitful May 13, 2008 letter and this court's Order dated June 17, 2008 concerning fourteen (14) days to respond. Civil Case No. 07 – 3999 / Mr. Dennis L. Smith vs. Ms. Patricia A. Meyers

Dearest Incumbent Clerk Ms. Waldron and Staff, Ms. Dyer and Staff.:

### Please Take Legal Notice:

In good faith and respect to all, these documents just referenced above, are **designed to cover – up for lower U.S. District Court Federal Judge Joseph J. Farnan Jr.**, by the use of this attempted new civil case No. 08 – 2735. This is Prohibited – Proscribed Racial – Injustice, / Unlawful exintric – fraud - fraud on court; see also 28 U.S.C.A. § 1442 (a) (3). Therefore, these illegal, unconstitutional, wrongdoings must stop under the law, concerning my PAID APPEALED ( 28 U.S.C.A. § 1291 ) Civil Case No. 07 – 525 JJF and now active Civil Case No. 07 – 3999 / Mr. Dennis L. Smith vs. Ms. Patricia A. Meyers. These unconstitutional wrongdoings are designed to stop the enforcement / ( 42 U.S.C.A. § 1981(b) ), of the July 12, 2006 mutual agreement which includes the October 27, 2003 Power of Attorney and cover – up for JJF illegal “ Racial – Injustice, and unconstitutional bias against me. We must not forget 42 U.S.C.A § 1981(a)., as a matter of Equal Justice under the Law.

Second of all, again, again and again, I am keeping my paid for Original October 9, 2007 ONLY Appeal civil case No. 07 - 3999 / 28 U.S.C.A. § 1291. Also, I am REQUESTING that this civil case No. 07 – 3999 to be put on hold / ABEYANCE until a “ CRIMINAL INVESTIGATION ”, is completed under Federalize Code 28 U.S.C.A. § 535., otherwise I will be unlawfully – prejudiced. Also, see below:

{01}. The farce so – called civil Appeal docket No. 08 – 2735 Smith v. Meyers. Therefore please, at all deliberate speed **totally** extinguish, and/or let this evaporate totally vexatious so – called Superficial Only second Appeal, a **totally unjustified MESS**. Also, these game(s) of this Federally – owned and operated court of law are being chronologically kept, as incriminating, multiple culpable; 42 U.S.C.A. § 1983. § 1985(3)., as a matter of law and as the Federal court(s), recorded records will also show.

Continue on page # 2

Ms. Marcia M. Waldron and Staff

\*\* Ms. Chiquita Dyer and Staff

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### CONCERNING CIVIL CASE No. 07 - 3999

This Court's last response to date, is concerning their letter dated **December 20, 2007**, which also, stated and I quote, "**Upon further review**, it appears that it would not be appropriate, to submit this **appeal**, to the Court for possible jurisdictional dismissal **as you were originally advised** by our letter of **October 18, 2007**. **Rather**, it appears that your **appeal** may be appropriate for possible **summary action**." Also, this same December 20, 2007, letter stated and I quote, "Issuance of the **briefing schedule** will be **stayed pending action by the Court**. All parties are hereby advised that this letter does not represent a finding of appellate jurisdiction in this case." See **December 20, 2007** letter attached as ----- **Exhibit A**

As indicated on page one (1) of this letter and below this paragraph, these wrongful despotic adverse "**Suspect**" **denial(s) delay(s)** of my easily Federally enforceable **DUE PROCESS** privilege must end, to prevent legal ramification(s), and/or **U.S. Congress** being involved and/or legally intertwined.

See the following **FACTS** below, for the complete **TRUTH**, as to how this **unjustified** so - called civil **Appeal No. 08 - 2735** came about:

### COURT OF APPEALS May 13, 2008 LETTER

- (a). By **Paid** Certified Mail No. **7007 0220 0001 6021 8181**, I ( Appellant ) sent my **April 4, 2008 letter with its enclosures / " Notice of Substantive Motion for Stay as Evidence"** to this United States Court of Appeals for the Third Circuit concerning Civil case No. **07 - 3999**. This letter was signed for, by this Third circuit Appeals Court as indicated on my **evidence / return receipt**. I am glad that I called this court via phone and found that this Court **lost / can not find my " April 4, 2008 " letter, the Original and Three Copies !!** Also, I found out on my own, about the Third circuit Appeals Court's letter dated **May 13, 2008** which indicates on its face that a copy was sent to me, but to date I never received a copy from this court. I had to go through "**PARCELS INC**" to receive a copy. **This is a due process violation / vicarious - liability - 28 U.S.C.A. § 1442(a)(3).**

See **return receipt** No. **7007 0220 0001 6021 8181** attached as ----- **Exhibit B**

This **April 4, 2008** letter as mentioned about, made it very clear on its face that, I am "**Challenge the final Order of the District Court**" dated **September 11, 2007** which states " The Court **does not** have **JURISDICTION** over his **claims**. Notably, Plaintiff's **claimS** are **oneS** where state law, **not federal law**, predominates." Therefore, I **Paid** and Appealed civil case No. **07 - 525 - JJF** on **October 9, 2008** and my new civil case number is **07 - 3999**, as Federal Court records will show. Now you see, if my **Original and Three Copies** of my **April 4, 2008 letter** was never lost / misplaced by this court of Appeals own **ACTIONABLE NEGLIGENCE**, therefore this court's **May 13, 2008 letter, would not have made** any sense as stating and I quote, ---- " Pursuant to Rule 4(d), Federal Rules of

Ms. Marcia M. Waldron and Staff

**\*\* Ms. Chiquita Dyer** and Staff

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Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules, we are forwarding the attached notice, entitled " Notice of Substantive Motion for Stay ", to be treated as a notice of Appeal. As it APPEARS that the document demonstrates Mr. Smith's intention to **challenge the final Order of the District Court** entered on **March 5, 2008**, in addition to being treated as a stay motion in the District Court, the document **will also be treated as a notice of Appeal.**" ( Note: On page ten (10) of my April 3, 2008 " Notice of Substantive Motion for Stay " it clearly states on it face and I quote, "**Therefore, I immediately, on October 9, 2007, appealed this FINAL Memorandum Order dated September 11, 2007.**" It APPEARS that the Court of Appeals is **not telling the truth** in their May 13, 2008 letter. This is INTENTIONAL deceit against my **due process** inalienable libertie(s) rights.

See copy of the First page of my **April 4, 2008** lost letter, attached as ----- **Exhibit C**

It APPEARS that the Court of Appeals is **not telling the truth** in their May 13, 2008 letter. See Court's **May 13, 2008** letter, and its Order dated **June 17, 2008 concerning fourteen (14) days** attached TOGETHER as ----- Exhibit D and Exhibit E

**COURT'S ORDER dated June 17, 2008 CONCERNING FOURTEEN (14) DAYS  
TO RESPOND**

The Court of Appeals stated and I quote, "**On May 13, 2008**, this Court forwarded a document received from Appellant in Appeal No. 07 – 3999 to the District Court, with directions to treat the document as a notice of appeal. The District Court filed the notice of appeal and transmitted it to this Court, which is docketed at No. 08 – 2735. After the notice of appeal was transmitted to this Court, Appellant contacted the Clerk's Office indicating that he did not wish the document to be treated as a notice of appeal. Appellant was advised that he should submit his objections in writing to the Clerk's Office. Subsequently, Appellant sent in the above letter, dated June 10, 2008."

Based on the paragraph above, again I repeat that I am glad that I called this court via phone because I found that this Court **lost / can not find my " April 4, 2008 " letter, the Original and Three Copies !!** Also, I found out on my own, about the Third circuit Appeals Court's letter dated **May 13, 2008** which indicates on its face that a copy was sent to me, but to date I never received a copy from this court. I had to go through "**PARCELS INC**" to receive a copy. At this point in time for the truth, I then contacted the Court of Appeals.

As of this date of this letter, the Court of Appeals did not allow me to know what happen to my INITIAL lost "**April 4, 2008**" letter, the Original and Three Copies !! I need to know the truth.

This civil case No. 07 – 3999 is not a lawsuit, but ONLY a SPECIFIC request for Injunctive Relief to enforce Federalized Code **42 U.S.C.A. § 1981(b)**., concerning the mutual July 12, 2006 agreement which contains mutual October 27, 2003 Power of Attorney between Ms. Patricia A. Meyers and I ( Appellant). This agreement like any white man ( **42 U.S.C.A. § 1981(a)**. ) may have, allows me to completed my agreed Obligations.



Ms. Marcia M. Waldron and Staff

\*\* Ms. Chiquita Dyer and Staff

June 27, 2008

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This Court of Appeals based upon their own statement ( “ **Upon further review...**”) in their December 20, 2007 letter, is appearing to **attempt** to, get away from their own “ statement ”, which means **AFTER FURTHER STUDY**, concerning civil case **No. 07 - 3999**. This attempt is by the attempted use of a so – called vexatious new deceitful civil case ~~No. 08 --2735, ----~~

### **Please Take Legal Vehement Unequivocal / Indubitable Manifest Notice;**

If, this is **NOT** cleared – up, in vexatious regard(s), to the farce of a very unrealistic **SO – CALLED** civil Appeal No. ~~08 --2735, ----~~ which I do not want nor need it, as a matter of Equal Justice under – law. Furthermore, this new number is designed to cover – up Judge Joseph J. Farnan Jr’s wrongdoings as the recorded records will show and Judge Farnan Jr’s twisting the truth to **illegally aid white Appellee(s)**, please keep in mind, Federalize **Code 42 U.S.C.A. § 1981(b)**.

Any further delay(s) of Justice will be legally remedied with the Notice of Racial Injustice, in this U.S. Art. III Federal Court(s), will be sent to the attention of :

Hon. Arlen Specter

Rep. State of Pennsylvania

Hon. John Conyers

Dem. State of Michigan Chairman of **OVERSIGHT** of **ALL** United States Court(s).

### **Questions for Court of Appeals below:**

1. The **Original** and **Three Copies** of my **April 4, 2008 letter** / Certified Mail No. **7007 0220 0001 6021 8181**. was lost / misplaced by this court of Appeals own **ACTIONABLE NEGLIGENCE**, as mentioned above in this letter. Therefore, will this Court of Appeals allow me to know what happen to my paid for Certified letter, which **this Court signed for ?**
2. Is this how **ALL** U.S. Pro se(s), are treated as I experienced as written in this letter ?

I did not write the United States Code Annotated **42 U.S.C.A. § 1981(b)**., Therefore, **ALL RACES OF PEOPLE ARE EQUAL UNDER THE LAW, AND I BELIEVE THIS TRUTH.** DOES THIS COURT BELIEVE THE SAME ?

**Note:** For Ms. Patricia A. Meyers, please give Mr. Steven S. Krebs a copy of this document and/or these documents **if you will**, because Mr. Krebs willfully refuses my documents and it is affirmed on my Certified Return receipt as he written thereon. If, Mr. Krebs is not up to date with civil case No. 07 – 3999 it is between you and him. **I tried my best to keep him informed** and have evidence for proof.

**Ms. Marcia M. Waldron** and Staff

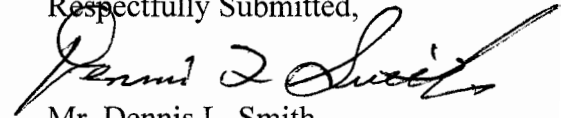
**\*\* Ms. Chiquita Dyer and** Staff

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“ Invidious ” **DISCRIMINATION** must end under the law of Justice.  
See: U.S. Cont. 14<sup>th</sup> Amendment.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dennis L. Smith", with a long, sweeping flourish extending to the right.

Mr. Dennis L. Smith

Cc: See Attached “ **Certificate of Service** ”

**In And For  
The 03<sup>rd</sup> Judicial Circuit  
Of  
These United States**

Mr. Dennis L. Smith Sr.

Appellant,

VS.

Ms. Patricia A. Meyers, and her son  
Mr. Mack L. Davis Jr., and all of her  
sibling(s),  
Mr. Steven S. Krebs, and his mother  
Ms. Barbara Krebs and any other  
person(s) who Attempt, to **"ILLEGALLY**  
**- "OBSTRUCT - Power of Attorney**  
**Document Book / No. 00776 page;**  
**041 Legal Dated 10-27-03** of the  
Sussex County Delaware Office of the  
{Incumbent} recorder of Deed(s) }

Appellee(s).

C.A. No. 07 - 3999

Re; Equal - Right(s);


In ref: Vindication of civil Right(s)

Here – under; 42 U.S.C.A § 1988.

This is not a lawsuit. The sole purpose of this is to simply constitutionally enforce 42 U.S.C.A. § 1981(b). under the Law.

## AFFIDAVIT OF DENNIS L. SMITH

The, preceding - indelible truthful – statement(s) in my **Letter dated June 27, 2008**, **Express Mail No. EQ 800925949 US**, are true to the best of my knowledge and belief(s); of; Dennis L. Smith and are in full vehement compliance / Compliance(s) Here- with / **Here – under; 28 U.S.C.A. § 1746, and 18 U.S.C.A. § 1621.**

  
Dennis L. Smith

June 30, 2008  
Date

### CERTIFICATE OF SERVICE

I hereby certify that the original and three copies my **Letter dated June 27, 2008**, **Express Mail No. EQ 800925949 US**, have been certified mailed or hand delivered on this 30 day of June 2008, to the United States Court of Appeals, Thrid Circuit and to Appellee(s) at the following addresses below:

The Third Judicial – Circuit of Federal – Appeal(s)  
Ms. Marcia M. Waldron  
21400 United States “Court – House”  
601 Market Street  
Philadelphia, PA 19106 – 1790  
**Express Mail No. EQ 800925949 US**

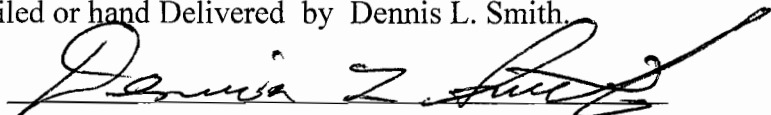
Mr. Peter T. Dalleo  
Office of the Clerk  
United States District Court  
844 N. King Street, Lockbox 18  
Wilmington, Deaware 19801 - 3570  
**Certified Mail No. 7007 0220 0001 0621 8525**

Ms. Patricia A. Meyers, and her Son,  
Mr. Mack L. Davis Jr., and  
all of her sibling(s)  
RR 4 Box 103A  
Frankford, Delaware 19945  
**Certified Mail No. 7007 0220 0001 0621 8716**

Mr. Steven S. Krebs and  
his Mother Ms. Barbara Krebs  
P.O. Box 796  
Selbyville, Delaware 19975  
**Certified Mail No. 7007 0220 0001 0621 8532**

For Verification purpose(s) only;  
John Brady  
Recorder of Deeds  
2 The Circle  
P. O. Box 827  
Georgetown, Delaware 19947  
**Certified Mail No. 7007 0220 0001 0621 8549**

All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.



Dennis L. Smith

*Exhibit A*

OFFICE OF THE CLERK - LEGAL DIVISION  
**UNITED STATES COURT OF APPEALS**

21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790

MARCIA M. WALDRON

December 20, 2007

CLERK

Telephone  
(215-597-2378)

Mr. Dennis Lee Smith  
P.O. Box 311  
Selbyville, DE 19975

Re: **Smith v. Meyers**  
C.A. No. 07-3999  
(D. Del. Civ. No. 07-cv-00525)

Dear Mr. Smith:

Upon further review, it appears that it would not be appropriate to submit this appeal to the Court for possible jurisdictional dismissal as you were originally advised by our letter of October 18, 2007. Rather, it appears that your appeal may be appropriate for possible summary action. Chapter 10.6 provides that the Court sua sponte (by its own action) may take summary action on an appeal if it appears that no substantial question is presented or that subsequent precedent or a change in circumstances warrants such action. Specifically, the Court may affirm, reverse, vacate, modify, or remand the judgment or order appealed.

The parties may submit written argument in support of or in opposition to such action. Any response must be received in the Clerk's Office within twenty-one (21) days from the date of this letter. Please submit to the Clerk an original and three (3) copies of any response, and a certificate of service indicating that all parties have been served with a copy of the response. All parties will be advised of any Order(s) issued in this matter.

Issuance of the briefing schedule will be stayed pending action by the Court. All parties are hereby advised that this letter does not represent a finding of appellate jurisdiction in this case. As in all cases, the panel of this Court which reviews the case on its merits will make a final determination of appellate jurisdiction.

Very truly yours,

/s/ Laura L. Greene  
LAURA L. GREENE  
Staff Attorney

(Continued)



Exhibit B

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY							
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<table border="1"> <tr> <td data-bbox="797 783 1138 856">A. Received by (Please Print Clearly)</td> <td data-bbox="1138 783 1315 856">B. Date of Delivery</td> </tr> <tr> <td data-bbox="797 856 1138 888">C. Signature</td> <td data-bbox="1138 856 1315 888"></td> </tr> <tr> <td data-bbox="797 888 1138 940"> X Keith Lombardo </td> <td data-bbox="1138 888 1315 940"> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee </td> </tr> </table>		A. Received by (Please Print Clearly)	B. Date of Delivery	C. Signature		X Keith Lombardo	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
A. Received by (Please Print Clearly)	B. Date of Delivery							
C. Signature								
X Keith Lombardo	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee							
1. Article Addressed to: The Third Judicial - Circuit of Federal - Appeals Ms Marcia M. Waldron 21400 United States "Court- House" 601 Market Street Philadelphia, PA 19106-1790	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No  3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express-Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes							
1. Article Number (Copy from service label)	7007 0220 0001 0621 8181							

Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

Dennis L. Smith  
P.O. Box 311  
Selbyville, Delaware 19975

*Exhibit C*

April 4, 2008

Office of the Clerk  
Ms. Marcia M. Waldron  
United States Court of Appeals  
for the Third Circuit  
21400 United States Court House  
601 Market Street  
Philadelphia, PA 19106 - 1790  
Certified -7007 0220 0001 0621 8181

Civil case No. 07 - 3999

Re: Mr. Dennis L. Smith vs. Ms. Patricia A. Meyers Civil Case No.: 07 - 3999.  
This letter is concerning Mr. Smith's " **Notice of Substantive Motion for Stay** " **COPIES ENCLOSED as EVIDENCE** , because the U.S. District Court's Judge Joseph J. Farnan Jr., continue with his civil case No. 07 - 525 - JJF, **WITHOUT JURISDICTION** after fact, I ( Petitioner ) **PAID** and **Appeal** this case to the United States Court of Appeals 03<sup>rd</sup> Judicial Circuit. ( We must not forget 42 U.S.C.A § 1981(a). )

Dear Clerk Ms. Waldron.:

This " **Notice of Substantive Motion for Stay** " was filed with the U.S. District Court on April 3, 2008, to stop Judge Joseph J. Farnan Jr's **illegal Ruling**, which is **before April 1, 2008**.

Therefore, I am sending three (3) enclosed copies of this same " **Notice of Substantive Motion for Stay** " **as EVIDENCE** and for the record. ( Copies to the U.S. District Court will be **STAMPED** copy, for their record. )

{1}. First of all, concerning civil case No. 07- 525 - JJF; Judge Joseph J. Farnan Jr filed his ( **D.I. 4** ) Memorandum Order on **September 11, 2007**, which is also dated same. Therefore, base on the **CONCLUSION** of this " **FINAL ORDER** " and the fact that Judge Farnan Jr clearly stated and I quote, " The Court **does not** have **JURISDICTION** over his **claims**. Notably, Plaintiff's **claimS** are **oneS** where state law, **not federal law**, predominates." See this Order's page **No. 6**, attached as ----- **Exhibit A**

Therefore, on October 9, 2007, I **Appealed** this civil case No. 07- 525 - JJF **FROM the U.S.** District Court, **TO the** United States Court of Appeals 03<sup>rd</sup> Judicial Circuit. This Court gave me a civil case No. 07 - 3999. This Court's last response to date, is concerning their letter dated **December 20, 2007**, which also, stated and I quote, " **Upon further review**, it appears that it would not be appropriate to submit this **appeal** to the Court for possible jurisdictional dismissal **as you were originally advised** by our letter of **October 18, 2007**. **Rather**, it appears that your **appeal** may be appropriate for possible **summary action**." Also, this same December 20, 2007, letter stated and I quote, " Issuance of the **briefing schedule** will be **stayed pending action** by

Continue on page 2

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 08-2735

*Exhibit E*

Smith v. Meyers

To: Clerk

1)Appellant's Letter, dated June 10, 2008

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On May 13, 2008, this Court forwarded a document received from Appellant in Appeal No. 07-3999 to the District Court, with directions to treat the document as a notice of appeal. The District Court filed the notice of appeal and transmitted it to this Court, which is docketed at No. 08-2735. After the notice of appeal was transmitted to this Court, Appellant contacted the Clerk's Office indicating that he did not wish the document to be treated as a notice of appeal. Appellant was advised that he should submit his objections in writing to the Clerk's Office. Subsequently, Appellant sent in the above letter, dated June 10, 2008.

After careful review of the June 10, 2008 letter, it is unclear how Appellant wishes to proceed in reference to the notice of appeal filed in the District Court on April 3, 2008. Specifically, it is unclear if he wishes this Court to consider his June 10, 2008 letter as a motion to withdraw the appeal pursuant to Fed. R. App. P. 42(b). Accordingly, further action on Appellant's letter is hereby deferred. Appellant is advised that if the appeal is withdrawn, Appellant is forfeiting the right to appellate review of the District Court's judgment. Once an appeal is withdrawn, it can be reinstated only by permission of the Court upon a motion to reopen. If Appellant does not notify the Court to the contrary within fourteen (14) days of the date of this letter, the Clerk will issue an order treating the June 10, 2008 letter as a motion for voluntary dismissal under Fed. R. App. P. 42(b) and dismissing this appeal. In the event Appellant decides to go forward with the appeal, Appellant must either pay the filing fee or file a motion to proceed in forma pauperis within fourteen (14) days of the date of this Order.

For the Court,

/s/ Marcia M. Waldron  
Clerk

Dated: June 17, 2008

tyw/cc: Mr. Dennis Lee Smith  
Patricia A. Meyers